

**This Page is Inserted by IFW Indexing and Scanning  
Operations and is not part of the Official Record**

## **BEST AVAILABLE IMAGES**

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- ☐ **BLACK BORDERS**
- ☐ **IMAGE CUT OFF AT TOP, BOTTOM OR SIDES**
- ☐ **FADED TEXT OR DRAWING**
- ☐ **BLURRED OR ILLEGIBLE TEXT OR DRAWING**
- ☐ **SKEWED/SLANTED IMAGES**
- ☐ **COLOR OR BLACK AND WHITE PHOTOGRAPHS**
- ☐ **GRAY SCALE DOCUMENTS**
- ☐ **LINES OR MARKS ON ORIGINAL DOCUMENT**
- ☐ **REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY**
- ☐ **OTHER:** \_\_\_\_\_

**IMAGES ARE BEST AVAILABLE COPY.**

As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/961,423	09/25/2001	Hidetomo Sohma	862.C2387	6886

5514 7590 09/03/2004

FITZPATRICK CELLA HARPER & SCINTO  
30 ROCKEFELLER PLAZA  
NEW YORK, NY 10112

EXAMINER
----------

FILIPCZYK, MARCIN R

ART UNIT	PAPER NUMBER
----------	--------------

2171

DATE MAILED: 09/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/961,423

Applicant(s)

SOHMA ET AL.

Examiner

Marc R Filipczyk

Art Unit

2171

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 21 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

This action is responsive to Applicant's RCE request and amendment filed June 21, 2004.

#### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 21 has been entered.

Currently amended claims 1-23 are presented for examination.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-3, 9-12 and 15-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Cazemier et al (U.S. Patent No. 6,609,123).**

Art Unit: 2171

Regarding claims 1, 9 and 10, Cazemier discloses a method, program and system for managing data by appending metadata for a data search to managed data, comprising: (abstract, lines 1 and 2, and fig. 2)

accepting user's selection of data to which the metadata is to be appended; (fig. 2, item 35 and fig. 2A, item 100)

accepting user's selection of the types of contents of the managed data; (col. 6, lines 41 and 42, and fig. 2A, items 15 and 100)

changing candidates of metadata to be provided according to the type selected by the user, the candidates to be appended as metadata being prepared in advance in correspondence with the types of data to be managed; (fig. 2, items 10, 15 and 25 and col. 6, line 62 to col. 7, line 10)

accepting user's selection of metadata to be appended to the selected data from the provided candidates of metadata; (fig. 2A, item 15, and col. 6, lines 41 and 42) and,

saving the user's selected data and the selected metadata in association with each other (fig. 2A, items 15).

(Note: metadata inherently describes other data)

Regarding claim 2, Cazemier discloses accepting input of a search condition used to search for the managed data; (fig. 3, item 30 and fig. 8, item 124)

searching for the data associated with the search condition on the basis of the input search condition and the metadata (fig. 3, items 15 and 30).

Art Unit: 2171

Regarding claim 3, Cazemier discloses partially providing contents of the data found by the search (fig. 2A and fig. 3, items 30 and 40).

Regarding claims 11, 12, 15 and 16, Cazemier discloses:

accepting input of a search condition used to search for the managed data; (fig. 3, item 30 and fig. 8, item 124)

searching for the data associated with the search condition on the basis of the input search condition and the metadata; (fig. 3, items 15 and 30) and,

partially providing contents of the managed data found by search. (fig. 3, item 40)

Regarding claims 17 and 19-23, Cazemier discloses a method, program and system for managing data by appending metadata for a data search to data to be managed, comprising:  
(abstract, lines 1 and 2 and fig. 2)

accepting user's selection of the types of contents of the managed data; (col. 6, lines 41 and 42, and fig. 2A, items 100 and 15)

providing candidates of metadata according to the types selected by the user, the candidates to be appended as metadata being prepared in advance in correspondence with the types of data to be managed; (fig. 2, items 10, 15 and 25)

accepting user's selection of metadata to be appended to the selected data from the provided candidates of metadata; (fig. 2A, item 15, and col. 6, lines 41 and 42) and,

inputting the data to which the selected metadata is appended after the user's selection of metadata in association with each other; (fig. 3, item 15) and,

Art Unit: 2171

saving the selected metadata and the input data as managed data in association with each other (fig. 2A, items 15, and col. 6, lines 41 and 42).

(Note: metadata inherently describes other data)

Regarding claim 18, Cazamier discloses accepting input of a search condition used to search for the managed data; (fig. 3, item 30 and fig. 8, item 124)

accepting input of a search condition used to search for the managed data; (fig.3, item 30)

searching for the data associated with the search condition on the basis of the input search condition and the metadata; (fig. 3, items 15 and 30) and,

partially providing contents of the data found by search (fig. 3, 40).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 4-8, 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cazemier et al (U.S. Patent No. 6,609,123) in view of Rowe et al (U.S. Patent No. 6,466,941).**

Art Unit: 2171

Regarding claims 4-8, 13 and 14, Cazemier discloses all of the claimed subject matter as discussed above in claim 1, but does not teach moving image data (claims 4, 7, 13), event types (claims 5 and 6) or audio data (claims 8 and 14).

However, Examiner asserts that the features of moving data, event types and audio data are common to the ordinary skilled in the art where the application of the invention is in the field of weddings. Taking Cazamier system and implementing it in such an application such as a wedding, multidata would consist of moving objects and data recorded would be associated with an event type, and data would consist of audio and images. To further demonstrate the point, Examiner introduces Rowe system wherein moving image data (fig. 8A, items 305 and 306), event types (fig. 8A, items 308), associations of moving image data and event types (fig. 8A, item 309) and displaying partial data (fig. 8A, items 311 and 406) are all taught by Rowe. Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to implement Cazemier system in view of Rowe system such as in a wedding application to obtain metadata associated with event type consisting of images and audio data. One would have been motivated to use Cazemier in a wedding system or that similar to Rowe system because Cazemier teaches a querying system with associating metadata based on conditions, thus would be ideal in a wedding like environment.

### ***Response to Arguments***

Applicant's arguments filed on June 21, 2004 have been fully considered but they are not persuasive. The arguments and responses are listed above.



Art Unit: 2171

Applicant argues on page 12 of the 6/21/2004 response, that the new feature of “changing candidates of metadata to be provided according to the type selected by the user” as claimed in the amended claims is not taught by Cazemier or Rowe.

In response to Applicant’s argument, Examiner disagrees. Cazamier clearly discloses user interface 25 provides users with the ability to browse through the metadata model 15 and **manipulate** the *objects* defined thereby (col. 6, lines 63-66). Further, Cazemier discloses the user interface 25 allows users for the basic maintenance tasks on the *objects* in the metadata model 15 comprising changing a name, descriptive text or **data type** (col. 7, lines 3-6). Thus, candidates of metadata are changed based on the data type.

No other issues have been raised.

With respect to all the pending claims 1-23, Examiner respectfully traverses Applicant’s assertion based on the discussion and rejection cited above.

### ***Conclusion***

To expedite the process of examination Examiner requests that all future correspondences in regard to overcoming prior art rejections or other issues (e.g. 35 U.S.C. 112, objections and the like) set forth by the Examiner that Applicants provide and link to the most specific page and line numbers of the disclosure where the best support is found (see 35 U.S.C. 132).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc R Filipczyk whose telephone number is 703-305-7156.

The examiner can normally be reached on Mon-Fri, 8am-4:30pm.

Art Unit: 2171

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 703-308-1436. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MF  
September 1, 2004



SAFET METJAHIC  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2101